REMARKS

In the Office Action mailed October 5, 2009, claims 11, 12-13, 15, 16, 18-21, 23, 24, 26-32, 39-45, 47-49, and 52-62 were rejected under 35 USC §112, first paragraph.

Claims 11-13, 15, 16, 18-21, 23, 24, 26-32, 39-41, 43-45, 47-49, 51, and 53-62 were rejected under 35 USC §103(a) as unpatentable over WO 02/38686 to Maze et al. in view of US Patent Application Publication 2004/0062873 to Jung et al.

Claim 42 was rejected under §103(a) for being unpatentable over Maze et al. in view of Jung et al and further in view of US Patent 5,399,210 to Miller.

Claim 52 was rejected under §103(a) for being unpatentable over Maze et al. in view of Jung et al. and further in view of US Patent 5,250,325 to Phillips et al.

In this response, clarifying amendments are presented to claims 11, 18, 19, 30, and 62. Claim 42 has been cancelled. In view of the explanations set forth herein, it is respectfully submitted that all claims 11-13, 15, 16, 18-21, 23, 24, 26-32, 39-41, 43-45, 47-49 and 51-62 are in condition for allowance.

A. Rejection of Claims 11, 12-13, 15, 16, 18-21, 23, 24, 26-32, 39-45, 47-49, and 52-62 Should be Withdrawn

Claim 11 has been amended to recite that the weight percent of the at least one particulate metal is 10% to 40%. No new matter is added by this amendment as support is found throughout the application and particularly at page 4, lines 22-23; page 6 line 28; and claims 14 and 30 as original filed. Accordingly, it is respectfully submitted that this ground of rejection has been remedied and should now be withdrawn.

B. Rejection of Claims 11-13, 15, 16, 18-21, 23, 24, 26-32, 39-41, 43-45, 47-49, 51, and 53-62 Should Be Withdrawn

These claims were rejected for alleged obviousness based upon WO 02/38686 to Maze et al. in view of US 2004/0062873 to Jung et al.

Amendments are presented herein to claims 11, 18, 19, 30, and 62 which are submitted to readily distinguish the rejected claims from the cited references to Maze et al. and Jung et al. The claimed compositions, as recited by the amended claims, now call for a particular weight percentage concentration of a certain reinforcing agent in the form of an oxide. Specifically, the reinforcing agent is selected from yttrium oxide, zirconium oxide, lanthanum oxide, cerium oxide, praseodymium oxide, and neodymium oxide.

Neither of the references to Maze et al. or Jung et al., teach, describe or even suggest the particular oxide forms of these reinforcing agents utilized in the recited weight proportions in a coating composition.

Accompanying this response is a Declaration by the inventors as to the surprising and unexpected results associated with the use of the recited reinforcing agents in their oxide forms. This evidence, along with the results set forth in Tables 10 and 11 of the present application, demonstrates the nonobviousness of the compositions as now recited in the amended claims.

In view of the foregoing, it is respectfully submitted that the present rejection under §103 has been overcome and therefore the rejection must be withdrawn.

C. Rejection of Claim 42 Should be Withdrawn

Claim 42 has been cancelled and so the rejection of that claim is moot.

D. Rejection of Claim 52 Should be Withdrawn

Claim 52 depends from independent claim 11, and so contains all of the recitations of that claim, as now amended. Since claim 11 is believed to be patentable over the cited art, so too is claim 52.

E. Conclusion

In view of the foregoing and the Declaration enclosed herewith, it is respectfully submitted that all claims 11-13, 15-16, 18-21, 23-24, 26-32, 39-41, 43-45, 47-49, and 51-62 are now in condition for allowance.

If there are any fees resulting from this communication, please charge same to our Deposit Account No. 18-0160, our Order No. CRE-17902.

Respectfully submitted,

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.	:	10/564934 Confirmation No. 5171
Applicant	:	Jean-Marie Poulet et al.
Filed	:	January 13, 2006
TC/A.U.	:	1796
Examiner	:	Bijan Ahvazi
Title	:	USE OF YTTRIUM, ZIRCONIUM, LANTHANUM, CERIUM, PRASEODYMIUM AND/OR NEODYMIUM AS REINFORCING AGENT FOR AN ANTICORROSION COATING COMPOSITION
Docket No.	:	CRE-17902
Customer No.	:	040854

Declaration Under 37 CFR §1.132

I am an inventor named in the above captioned patent application. I hereby declare the following.

1 I have experience and expertise in the field of coatings and coating compositions. In particular, I have expertise in the field of anticorrosion coatings for metal parts.

2 I reviewed the above captioned application for patent, and most recently, also reviewed the latest version of claims as set forth in Amendment C. The anticorrosion coating compositions for metal parts as now claimed include 0.5% to 10% by weight of a reinforcing agent for the anticorrosion properties of the composition selected from the group consisting of yttrium, zirconium, lanthanum, cerium, praseodymium and neodymium, in the form of oxides.

3. The use of the claimed reinforcing agents in the form of oxides leads to significantly improved anticorrosion properties. For example, the testing results presented in Table 10 in the above captioned application demonstrate that the addition of yttrium oxide, cenum oxide, lanthanum oxide, praseodymium oxide, neodymium

oxide, or zirconium oxide to coating compositions significantly increases the polarization resistance of the coatings, thereby indicating that the corrosion resistance of the coatings will likely be increased. The results presented in Table 11 demonstrate the significant increase in resistance to salt spray as a result of the use of the oxide forms of these reinforcing agents.

4. Based upon my experience and expertise in the field of anticorrosion coatings, the increase in anticorrosion properties and resistance to salt spray of the presently claimed coating compositions is due to the use of the oxide forms of the reinforcing agents. The noted increases are surprising and unexpected.

5. I reviewed International Publication No. WO 02/38686 to Maze et al. I am very familiar with the subject matter described in the '686 publication to Maze et al. since that subject matter and the present application are commonly owned by Dacral of France. The cited publication to Maze et al. does not describe any of the particular reinforcing agents as now set forth in the claims of the present application.

6. I reviewed United States Patent Application Publication No. 2004/0062873 to Jung et al. That document describes an anticorrosion system that is very different from the anticorrosion system according to the claims in the present application which uses a particulate metal oxide which sacrifices itself in favor of the metal parts to be protected. Al and Zn are used in US 2004/0062873 to Jung et al. in a particle size that is too small for the particles to sacrifice themselves in favor of the metal parts to be protected. Although yttrium, cerium, lanthanum and zirconium are noted in US 2004/0062873 to Jung et al., they are used as a loading agent and not as a corrosion inhibitor, and clearly not as a reinforcing agent, see [0043] for example.

7 Based upon my experience and expertise in the field of anticorrosion coatings, the coating compositions set forth in the claims of the present application are not described nor would they be suggested by either of the cited references to Maze et al. or Jung et al., taken singularly or in combination.

8 The coatings industry continuously seeks improved anticorrosion coatings, particularly for metal parts, which exhibit excellent corrosion resistance. The coating compositions as claimed in Amendment C in the above captioned application using oxide forms of the particular reinforcing agents, represent a significant advance in the field.

9. The undersigned being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements and the like may jeopardize the validity of the application or document or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true; and all statements made on information and belief are believed to be true.

January 6th 2010
Date

Jean-Marie Poulet

January 6th 2010
Date

Alain Chesneau